

LAW COMMISSION - Freedom of Information Act

Previously Released Information/Disclosure Log

Notes

- Logs are updated at the end of each quarter
- Questions are produced in their original format.

FY10-11

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Quarter 1

Topic	1. Anyone brought in from outside the department ahead of the General Election
Date of Response	20 May 2010
Details	Whether anyone was brought in from outside the department ahead of the General Election to brief staff on what to expect in the even of a change of government. Please provide, within cost and time limits, details of who was brought in, whether they were paid, and any minutes that were taken during the briefings.

Answer

Nil return.

Topic	2. Funding given to trade unions and the amount of staff time given to trade union activities in 2008-09 and 2009-10.
Date of Response	26 May 2010
Details	The total amount of money paid to trade unions by Law Commission and the amount of staff time spent on union activities by Law Commission employees. To outline my query as clearly as possible, I am requesting: 1) The total amount of money paid to all trade unions for financial periods 2008-09 and 2009-10. Where possible this should be broken down by the individual payments to each trade union by name, however if this disaggregated information is not available please continue to provide a total figure for union payments. 2) The amount of paid staff time, in terms of full-time equivalent staff numbers (FTE), spent working on behalf of a trade union – this is sometimes called 'Trade Union facility time' - in the financial periods 2008-09 and 2009-10. Where possible this should be broken down by each trade union by name, however if this disaggregated information is not available please continue to provide a total figure for staff time.

Answer

It is a nil return from the Law Commission.

Quarter 2

Topic	3. Secret Courts and The Rt. Hon Lord Justice Munby
Date of Response	11 August 2010
Details	Recently Munby was reported as having said he wanted more transparency in the family courts, seeing as he can open his courts any time he wants to, what does he mean by that precisely please? Also why are parents being forced to act as Litigants in Person, we believe Munby could be guilty of perverting justice and actively preventing access to justice, have you had any similar complaints about him?

Answer

With regards to your point about transparency, I would be grateful if you could provide details as to which of Sir James Munby's comments you are referring to? I shall then seek an answer from him upon his return to work as he is currently on annual leave.

In respect of the Litigants in Person issue I can confirm that as far as I am aware the Law Commission has not received any complaints.

Quarter 3

Topic	4. Criminal Liability in Regulatory Contexts
Date of Response	6 October 2010
Details	Provide a list of the individuals and organisations we consulted on the Criminal Liability in Regulatory Contexts consultation paper.

Answer

I attach a summary of those organisations and individuals who were contacted. The consultation period runs until 25 November 2010.

Summary - The following is a list of those who were sent details of the Consultation Paper (CP) Criminal Liability in Regulatory Contexts. Some received copies of the CP and others received details of how it can be accessed online.

Academics

- Prof Ashworth, All Souls College, Oxford
- Prof Julia Black, LSE
- Prof Dennis, UCL
- Mrs Nicola Padfield, Fitzwilliam College, Cambridge
- Prof John Spencer, Selwyn College, Cambridge
- Prof Celia Wells, University of Bristol
- Professor Hugh Beale, University of Warwick
- Stuart Bridge, Queens' College, Cambridge
- Professor Andrew Burrows, St Hugh's College, Oxford
- Professor Martin Partington

Organisations

- Confederation of British Industry
- Law Society
- Federation of Small Businesses
- Crown Prosecution Service
- Department for Environment, Food and Rural Affairs
- Department for Business, Innovation and Skills
- Better Regulation Executive
- Department of Transport
- Attorney General's Office
- Service Prosecuting Authority
- Scottish Law Commission
- Plaid Cymru
- Labour Party
- Justices' Clerks Society
- Police Federation of England and Wales

- Heath and Safety Commission
- Serious Fraud Office
- Food Standards Agency
- Ministry of Justice, officials and ministers

The judiciary

- Members of the Supreme Court
- Court of Appeal Judges
- High Court Judges
- Leaders of the North Eastern, Midland, South Eastern, Northern and Western Circuits
- Chairman of the Judicial Studies Board
- The Senior Presiding Judge
- Deputy Head of Civil Justice
- Vice-President of the QBC and Deputy Head of Criminal Justice
- Senior District Judge and Chief Magistrate for London

Practitioners

- A number of practitioners and individuals were also contacted.

Topic	5. Individual consent to be governed
Date of Response	22 October 2010
Details	Can an individual withdraw their consent to be governed in England?

Answer

I'm not sure that your request is really a Freedom of Information request but the answer is 'no'. Please see the leading cases *R. v Casement* 1916 and *R. v Joyce* 1946 AC 347.

Topic	6. Coalition Government, Comprehensive Spending review, staff employed, budget/staffing cuts, subscriptions to online news outlets, meetings with a Government Minister and travel policy
Date of Response	25 October 2010
Details	Please provide me with: 1. The introductory note submission your organisation made to its lead Government Minister since the Coalition Government took office on 12 May, 2. The number of staff employed by your organisation on 12 May, 3. The number of staff employed by your organisation on 6 October, 4. Any submissions made to government departments on the effects of budget cuts on your organisation, 5. Any notices given to trade union, or employee representatives, regarding staffing cuts to your organisation, 6. Any notices of re-arranged pension arrangements for staff, 7. Details of any subscriptions to online news outlets such as Politics Home, The Times, The Sun, News of the World etc, 8. Any submissions made by your organisation in the run up to the Comprehensive Spending review, 9. How many times the Chief Executive of your organisation has met with a Government Minister since 12 May - Please tell me the nature and location for any such meetings, 10. Provide me with a copy of your organisation's travel policy - in particular in respect of planes, trains and cars, 11. The number of properties (a) owned, and (b) leased by your organisation.

Answer

I am able to provide you with the following answers to your request under the Freedom of Information Act:

1. The introductory letter from Sir James Munby to the Lord Chancellor dated 12 May 2010 (see attachment 1).
2. The number of staff employed by the Law Commission on 12 May 2010 was 56.
3. The number of staff employed by the Law Commission on 6 October 2010 was 54.
4. We believe that any submissions that the Law Commission made to Government in the run up to the Comprehensive Spending Review are exempt from disclosure under the Freedom of Information Act 2000 section 36 (prejudice to the effective conduct of public affairs), and in particular that disclosure would inhibit the free and frank exchange of views for the purposes of deliberation (section 36(2)(b)(ii) or would prejudice the effective conduct of public affairs (section 36(2)(c)).
5. We have not given any notices to the trade union, or any employee representatives regarding staff cuts.
6. On the 7 October 2010 Lord Hutton of Furness published his interim Public Services Pension Report. This report was made available to Ministry of Justice staff via the Treasury Office website and is widely available to all Civil Servants. (due to its size, the attachment is available upon request)
7. Payments made for online news outlets were as follows: Dod's Parliamentary Communications, ePolitix forum subscription: paid in May 2010 (£1000 net for period 5/5/10 - 4/8/10) and again paid in September 2010 (£1000 net for period 5/8/10 - 4/11/10).
8. We believe that any submissions that the Law Commission made to Government in the run up to the Comprehensive Spending Review are exempt from disclosure under the Freedom of Information Act 2000 section 36 (prejudice to the effective conduct of public affairs), and in particular that disclosure would inhibit the free and frank exchange of views for the purposes of deliberation (section 36(2)(b)(ii) or would prejudice the effective conduct of public affairs (section 36(2)(c)).

9. (i) Introductory meetings between Chairman, Chief Executive and new Ministers were as follows;
- | | | |
|------------|----------------------|---|
| 12 July | Crispin Blunt MP | Portcullis House |
| 13 July | Jonathan Djanogly MP | Ministry of Justice, 102 Petty France |
| 13 July | Lord McNally | Ministry of Justice, 102 Petty France |
| 28 July | Edward Davey MP | Department for Business, Innovation and Skills, 1 Victoria Street |
| 13 October | Kenneth Clark MP | Ministry of Justice, 102 Petty France |

(ii) There was also a Ministry of Justice reception for stakeholders on 17 June to meet new Ministers, attended by Chief Executive at 102 Petty France where he met Lord McNally and Jonathan Djanogly MP.

10. Ministry of Justice Travel & Subsistence Guide (due to its size, the attachment is available upon request)

11. The building we partly occupy is rented by the Ministry of Justice.

If you require any further information, please do not hesitate to contact me.

Attachment 1

The Right Honourable Kenneth Clarke QC MP
 Lord Chancellor and Secretary of State for Justice
 Ministry of Justice
 102 Petty France
 London SW1H 9AJ

12 May 2010

I am writing to congratulate you on your appointment as Lord Chancellor and to say how much I am looking forward to working with you on improvements to the law of England and Wales.

The Commission was much encouraged by the warm support from the Conservative and Liberal Democrat spokesmen when in Opposition. We have also been very encouraged by recent developments in our relationship with government – not least the signing in March this year of the new Protocol on how we should work together on new projects; and the promotion by government in the past year of three Bills emanating from the Commission. I very much hope that we can build on that relationship to ensure that the resources afforded to the Commission are not wasted. We have an opportunity to show which areas are most suitable for reform through the agreement of the Law Commission’s next programme of work, on which we shall be consulting very shortly.

The Lord Chancellor and the Chairman of the Law Commission have generally met every six months. I should be grateful for an early meeting with you, so that I can brief you on the work that we have underway and other matters of mutual concern. One in particular is your view on the exchange of correspondence I had with your predecessor about the codification of the criminal law.

I wish you every success in the office of Lord Chancellor. I look forward to meeting you.

The Rt Hon Lord Justice Munby
Chairman
Law Commission

Topic	7. Duty of near monopoly supplier of fiduciary duty
Date of Response	2 November 2010
Details	What body/regulator should enforce such a duty, if any, on near monopoly suppliers to domestic customers of gas /electricity to combat false representations said to be based on (fictitious)but claimed actual meter readings? (Fraud Act sections 1 & 2, Theft Act section 17)?

Answer

You ask about the duties on gas and electricity suppliers not to make false representations. Utility suppliers (like all other traders supplying goods and services to consumers) are covered by the Consumer Protection from Unfair Trading Regulations 2008. The regulations make it a criminal offence to act in a misleading or aggressive way to consumers. The primary responsibility for enforcement lies with local trading standards departments. For an account of how the regulations work, see our website at: http://www.lawcom.gov.uk/misrepresentation_commercial.htm. The "Feedback from Stakeholders" document explains what the Regulations cover, with examples given us by consumer groups.

If you are looking for individual redress, OFGEM advises consumers to follow the utility provider's internal complaints procedure - and if you remain dissatisfied, appeal to the Energy Ombudsman (which has power to award compensation of up to £5,000). We are not able to give individual advice about this, but help is available from Consumer Direct on 08454 04 05 06.

Where a trader has made a misrepresentation, you may also have an individual right of redress through the country court. This is often a complex and difficult action, and we are considering how the law in this area can be improved.

Topic	8. Office of Notary Public
Date of Response	2 November 2010
Details	Provide all information relating to the Faculty Office that you hold in relation to notary public's duties and length of office? A list of all notary public's that have been struck off and the reason's why?

Answer

We are a law reform organisation, which has no regulatory role, either in relation to notaries or any other professionals. I can confirm that we do not hold any information about notaries. Nor do we have any information about how many have been struck off or why.

As I understand it, the regulatory authority for Notary Publics is the Faculty Office of the Archbishop of Canterbury. The Faculty office may be contacted at 1 The Sanctuary, Westminster, London, SW1P 3JT, telephone 020 7222 5381. The e-mail address is faculty.office@1TheSanctuary.com.

Topic	9. Shocking abuse of power by children's services
Date of Response	5 November 2010
Details	Please provide all information that has lead to this decline in children services and answer the following FOI request. Can you please provide details of how many complaints received about unlawful practices of Judges and Council SS Legal Team (children social services) , barrister's etc Cafcass Legal teams etc, regarding Children taken into 'care' by Kent County Council. Relatives who put themselves forward are considered guilty until proven innocent, and demands are made that they jump through assessment hoops, when the House of Lords made it quite clear that grandparents only have to be good enough parents. The system as it stands is no better than a 'child trafficking ring.' It is appalling that in Family Court's so many children are being taken into care based on mere opinion of – so-called professionals and placed for adoption with strangers rather than relatives. In 2007,local authorities in England applied for 8,173 care orders. 7,624 orders were made. 336 applications were withdrawn, 290 "no orders" decisions and 21 orders were refused. In other words, the judgement of the social workers working for the council was so good, they were only refused by the judge 21 times (0.27%). More importantly 93% of the time the judge merely rubber-stamped the care orders. House of Lords - Down Lisburn Health and Social Services Trust. Baroness Hale of Richmond. Judgement 34. There is, so far as the parties to this case are aware, no European jurisprudence questioning the principle of freeing for adoption, or indeed compulsory adoption generally. The United Kingdom is unusual amongst members of the Council of Europe in permitting the total severance of family ties without parental consent. (Professor Triseliotis thought that only Portugal and perhaps one other European country allowed this.) It is, of course, the most draconian interference with family life possible. Although kinship placements are supposed to be the preferred option in this country, only 1 per cent. of social worker-instigated placements ended up with kinship carers, compared with 45 per cent. In Denmark, for example (EVIDENCE given in parliament 16th June 2008 by Tim Loughton MP shadow minister for children)

Answer

The Law Commission is a statutory body set up to keep the law under review and make recommendations for reform. As a law reform organisation we have no role in relation to children's services, nor in relation to complaints made about them. As a result we do not hold the information you have requested. I have conferred with my colleagues in our property, family and trusts team who have told me that they have no current or recent projects relevant to the law in this area.

However, I understand that the website of the Children and Family Court Advisory and Support Service (Cafcass) includes information and resources about how the care system works, which may be helpful to you. The link to their website is: <http://www.cafcass.gov.uk/default.aspx>.

Topic	10. Universal Declaration of Human Rights
Date of Response	8 November 2010
Details	<p>Please provide all held information that confirms the Courts/Ministry of Justice and indeed all governmental departments encompasses the declaration of human rights under contract comprising of a sworn affidavit under pain of penalty and perjury? Please provide all held information that confirms the Courts/Ministry of Justice and indeed all governmental departments encompasses the declaration of human rights under contract comprising of a sworn affidavit under pain of penalty and perjury.</p> <p>http://www.un.org/en/documents/udhr/</p> <p>PREAMBLE</p> <p>Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, Whereas it is essential to promote the development of friendly relations between nations, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom, Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge, Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.</p>

Answer

I am not entirely sure what you are asking for in your request. I think you are asking for information that confirms that the Law Commission is bound by, or adheres to, the UN Universal Declaration of Human Rights.

But you might also be asking us, the Law Commission, for information confirming that the courts, MOJ and other government Departments are similarly bound by or adhere to the Declaration. In summary, we have no information of the relevant description, under either of the possible interpretations of your request.

In more detail, we have searched our computer files for the term "Universal Declaration of Human Rights", and our paper file register. In relation to the former, we have a number of files which mention the Universal Declaration, but none of the description you give. Leaving aside various documents which are otherwise publicly available (and so not disclosable under Freedom of Information Act 2000, section 21(1)), such as case reports, Government publications or academic articles; or drafts of papers subsequently published by us, the only documents we have mentioning the term are:

- * A document, last modified in December 1999, analysing responses to a question in a consultation paper on consent in the criminal law;
- * A response to our consultation paper on adult social care (published in February 2010) from SENSE, a voluntary organisation;
- * A draft of what appears to be a paper on the media and the law from 1996, which may have been subsequently published;

* An email (December 2001) between two lawyers working on a report on a housing law project, which mentions the Declaration.

Although none of these match the description you give, we would be happy to disclose them if you would like us to.

In relation to our paper files, we have no file specifically on the Declaration.

You ask for the information to be provided in a particular form. Given this result, I am not sure that your request in terms of the formalities of our communication with you arises. But if this is wrong, and it does, then we do not intend to do as you suggest. The Freedom of Information Act 2000 requires us to communicate with you in a form acceptable to you, provided it is reasonably practicable to do so, I think you are asking us to enter into a contract with you, and, in performance of that contract, to provide a sworn affidavit (or, at least, some document). In the first place, we take the view that such a request goes beyond a request as to the manner of communication with you, because it requires a distinct and separate legal action on our part, that is to say, the entering into a contract. If, however, we are wrong in this, and entering into a contract would constitute a means of communication, we do not consider that such a method of communication is reasonably practicable. If we were providing information to you under the Freedom of Information Act 2000, that would be in discharge of our statutory duty under that Act. Ordinarily, the performance of a statutory duty cannot be the whole performance of a contract, and even if it were legally permissible, we do not consider that it would be appropriate (we consider that "reasonable practicability" can include considerations relating to whether the preferred means of communication is appropriate, as well as to cost and inconvenience).

Finally, we would incur costs in drafting a valid contract, if it is possible to do so, which would bring no advantages to you.

Topic	11. Ethnic origin monitoring
Date of Response	8 November 2010
Details	Is it legally obligatory to provide answers to local authorities who, in non-related matters, ask for details of ethnic origin (for training purposes and sharing with other bodies)?

Answer

This request is essentially asking for legal advice. By way of background, it might help if I explain that the Law Commission's statutory functions (see Law Commissions Act 1965, particularly section 3) include keeping the law under review and making proposals for its reform. They do not include providing legal advice to members of the public.

Considering your request in the terms of the Freedom of Information Act 2000, the law itself is contained in Acts of Parliament, reported cases and other materials which are publicly available. We are not therefore required to release such materials to you, under section 21(1). Section 21 excludes from the requirement to provide "information which is reasonably accessible to the applicant otherwise than under section 1", and information may be reasonably accessible even if it is accessible only on payment (section 21(2(a))). If advice counts as "information" under the Freedom of Information Act 2000 (and we might wish to argue that it does not), then legal advice, as well as the raw materials of the law, is also accessible to you other than by means of a freedom of information request to us (on payment, or otherwise). We therefore decline to provide the advice you seek, to the extent that it can be seen as separate from the law itself, also under section 21.

I am sorry to appear unhelpful. If your request dealt with a matter which concerns our statutory functions, we would strive to answer it even if not technically obliged to do so under the Freedom of Information Act. However, I am sure you will appreciate that it would undermine our ability to perform our statutory functions if we answered all requests for legal advice on matters which have no relationship to the work we do.

Topic	12. Councilor's who have had their children/grandchildren removed by the state
Date of Response	8 November 2010
Details	How many Councillor's/Elected Members have had their children/grandchildren removed into care then placed for adoption? How many letters of complaint have been sent to Judges/Courts with their concerns about the system especially those relating to the interests of the children being ignored along with the wishes of parents/relatives?

Answer

I am afraid that we do not hold any information on these questions. The Law Commission is a statutory body whose function is to keep the law under review and to make recommendations for its reform. We are not a regulatory or judicial body and do not have any active role in the care system. However, below I have provided some links to other organisations which might be of use to you.

The Children and Family Court Advisory and Support Service (Cafcass) provides a collection of resources explaining how the care system works. Their website can be viewed at: <http://www.cafcass.gov.uk/default.aspx>.

For information about local councillors, you may wish to look at Directgov, the Government website. The relevant page is: http://www.direct.gov.uk/en/Governmentcitizensandrights/UKgovernment/Localgovernment/DG_073312.

For information about the courts, please see the website of Her Majesty's Courts Service (HMCS): <http://www.hmcourts-service.gov.uk/index.htm>.

Topic	13. Asking for existing legislation relating to park (mobile) homes to be reformed
Date of Response	17 November 2010
Details	Please would you kindly supply a list of the respondents, their names and addresses and the organisations they may represent? Please also advise what it would cost to obtain copies of the responses you have received in respect of existing legislation relating to park (mobile) homes?

Answer

I am writing to confirm that I explained over the telephone that we are happy to provide information in accordance with the Freedom of Information Act 2000, including copies of responses relating to the protection of mobile home owners and the Mobile Homes Act 1983. Unfortunately, personal information, such as names and addresses, of the individuals who have submitted proposals is exempt from the Act, under section 40 and we are not able to disclose this to you without the permission of the individuals concerned. We are subject to the provisions set out in Data Protection Act 1998 in relation to the handling of personal information. We could provide copies of the responses received, and would be happy to do so free of charge, but with the names, addresses and other information which would enable the identification of the names and addresses of the consultees, removed. You explained over the telephone that you do not want us to send you copies of the responses and so I haven't. As I understand it, you would like the individuals who have submitted proposals to have copies of all the proposals submitted on this subject and also to have each other's contact details. We could only give this information out if each individual gave their express permission for the information to be passed on to each of the other individuals. If you would like us to seek permission from each consultee to give their personal data out to you (or another named individual at their request) we could do so. I will await your reply on this.

In the meantime, I can tell you that we have received 17 proposals relating to the protection of mobile home owners and the Mobile Homes Act 1983, including your own. Of those, two were from voluntary organisations: the Independent Park Home Advisory Service and the National Association for Park Home Residents. Proposals on this subject were also received from Lord Graham, secretary of the All Party Parliamentary Group for Mobile Homes, two from trading standards officers in Kent and Cornwall, two from local authority staff members at Ashford Borough Council and Bromsgrove District Council and the parish councillor for Lickey and Blackwell Parish Council, Bromsgrove District Council, Worcs,

Topic	14. Family Law – Reducing the strain (No. 1)
Date of Response	30 December 2010
Details	<p>In the Law Commission's review of how to deal with the rising numbers and costs of family law cases has the law commission considered that CAFCASS could be the problem rather than the solution? Where CAFCASS is costing the tax payer in excess of £130 MILLION per annum, and the involvement of CAFCASS necessarily involves further lawyers costing the tax payer millions more, would it not be more sensible for children to give live evidence in the majority of cases, or for video evidence of contact sessions to be relied upon rather than the opinion of someone who is effectively a complete stranger to the child? Wouldn't a better solution be to keep families out of Court and find a solution for families that does not involve court proceedings, such as mediation for couples divorcing and practical support for parents of children in need/at risk? How many times are care proceedings commenced when there has never been any criminal allegation of abuse or neglect of a child? Wouldn't it save the public purse massive expense if a criminal conviction for abuse or neglect was a prerequisite for Care proceedings and all other 'at risk' children were offered support in order to stay with families that are not neglecting or abusing them? Do the Family Courts judge cases as if the children and mothers and fathers are simply 'chattels' belonging to the state who are not protected by any Human Rights? Is Admiralty law used in the family courts without the mothers and fathers knowing that there is an assumption that they are something other than living human beings? Is there an assumption in the family court that a mother of a child is a 'strawman'? Is there a coded language in the Family Court which the mother or father is unlikely to know and without knowing the mother or father is assumed to be something they do not consider themselves to be such as a corporation, a bond, a vessel, a lost soul? Does a mother or father need to establish standing as a family before a family court judge will offer them Justice which is in line with the rule of law, the natural law, the law of the land and commonly thought of as Just and Humane amongst the general population? Why are mothers and fathers prevented from publishing details of their case and mentioning the names of the social workers and judiciary when children's identities are protected? Is there a particular procedure that a mother or father has to go through before precedents and statutes will be adhered to in the Family Courts? Are the family law courts operating for profit?</p>

Answer

The Law Commission is a statutory body whose function is to keep the law under review. We are not currently conducting a review of how to deal with what you refer to as the rising numbers and costs of family law cases. This has not been the subject of any of our previous projects and we have no plans at present to undertake a project of this nature in the future.

You may be referring to The Family Justice Review, a review of the family justice system commissioned by the Ministry of Justice, the Department for Education, and the Welsh Assembly Government. For information please see: <http://www.justice.gov.uk/reviews/family-justice-intro.htm>

You should also note that we are not a regulatory or judicial body and do not have any active role in the family courts system. For information about the courts, please see the website of Her Majesty's Courts Service (HMCS): <http://www.hmcourts-service.gov.uk/>

Quarter 4

Topic	15. Family Law – Reducing the strain (No. 2)
Date of Response	6 January 2011
Details	Please could you answer the question as far as possible LJ Munby does indeed have a very active role in the Courts. Please could you advise me of what your purpose is and your budget for fulfilling this purpose.

Answer

Lord Justice Munby is the current Chairman of the Law Commission and also sits as a member of the Court of Appeal. If you are seeking information in relation to his judicial role, you must contact Her Majesty's Courts Service (HMCS). The HMCS website address is <http://www.hmcourts-service.gov.uk/>. I can only repeat that the Law Commission is not a regulatory or judicial body and does not have any active role in the family courts system.

I also repeat that we are not currently conducting a review of how to deal with what you refer to as the rising numbers and costs of family law cases. This has not been the subject of any of our previous projects and we have no plans at present to undertake a project of this nature in the future. We therefore do not hold the information that you request.

I can advise you of the purpose and budget of the Law Commission. The Law Commission is a statutory body whose function is to keep the law under review. The relevant statute is the Law Commissions Act 1965. This is available online and free of charge at <http://www.legislation.gov.uk/ukpga/1965/22/contents>. The functions of the Commissions (the Law Commission for England and Wales and the Scottish Law Commission, which is a separate organisation) are set out at section 3 of that Act.

The Law Commission's annual budget is published in each of our annual reports. Our annual reports since 1996 are available to download free of charge from our website at http://www.lawcom.gov.uk/ann_reports.htm. For our most recent annual report, the 44th, the information you require is at Appendix B on page 69.

Topic	16. Family Law – Reducing the strain (No. 3)
Date of Response	20 January 2011
Details	What part of the question do you not comprehend? I am asking for information as to whether Admiralty law is used in the family courts and if it is does anyone explain to the parents what this means? How can you begin to review the law if you do not know what law is being used in the courts?

Answer

The reason I found your question difficult to understand is that admiralty law (also referred to as shipping or maritime law) is a distinct body of law which governs maritime questions and offences. Such claims are dealt with by the Admiralty Court of the Queen's Bench Division of the High Court of Justice (see section 20 of the Senior Courts Act 1981 and Part 61 of the Civil Procedure Rules 1998, both available online).

It may be that you are referring to the administrative history of the courts. From the late nineteenth century until 1970, admiralty business was dealt with by the Probate, Divorce and Admiralty Division of the High Court. That division was abolished in 1970, with the creation of the Family Division of the High Court and transfer of admiralty business to the Queen's Bench Division (JH Baker, *An Introduction to English Legal History* (3rd ed 1990) p 143).

I am personally not aware of any situation where the family courts would be called upon to adjudicate a question of admiralty law and the Law Commission does not hold any information on the matter. As I have previously advised you, for information about the courts, please see the website of Her Majesty's Courts Service (HMCS): <http://www.hmcourts-service.gov.uk/>

I am afraid that I am unable to enter into any further correspondence on this matter. As I have explained, the Law Commission is a statutory body whose function is to keep the law under review and recommend reform where it is needed. We undertake projects on defined topics. We are not able to answer questions on general points of law unrelated to our work.

You may find it helpful to seek the advice of a solicitor who specialises in either admiralty law or family law. If you are experiencing difficulty finding a solicitor I suggest you contact the Law Society who will be able to recommend local firms of solicitors with the relevant expertise. The Law Society has a Find a Solicitor page on their website at <http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>, or they can be contacted by telephone on 020 7242 1222.

Topic	17. Government's Comprehensive Spending and Public Bodies Reviews
Date of Response	25 January 2011
Details	Please provide me with: a) All documents - including emails - submitted by your organisation to central government departments and/or government ministers, as part of the Coalition Government's Comprehensive Spending Review since 12th May 2010 [This would include any letters, briefings or option papers prepared by your organisation outlining the impact that changes and/or reductions to its budget(s) may have on the service(s) you deliver], (b) All documents - including emails - submitted by your organisation to central government departments or government ministers, as part of the Coalition Government's Public Bodies Review since 12th May 2010 [This would also include any letters, briefings or option papers prepared by your organisation outlining the impact that reform or abolition would have on the services you deliver], (c) Any revised business, explanatory papers, options papers or letters submitted by your organisation (including electronic communications) to central government departments or government ministers to accommodate changes to your organisation's budgets following this year's Comprehensive Spending review, (d) Any revised business, explanatory papers, options papers or letters submitted by your organisation (including electronic communications) to central government departments or government ministers to accommodate changes to your organisation's structure following this year's Public Bodies Review and (e) Any further correspondence (i) received by your organisation directly from ministers, or their offices, and (ii) sent to ministers, or their offices, regarding the affect of the (A) Comprehensive Spending Review and (B) Public Bodies Review on your organisation since 12 May 2010. This would also include any written or electronic correspondence that details the process your organisation should follow in order to make such submissions to these reviews.

Answer

Your request has been passed to me to deal with as I have responsibility for answering question relating to custodial policy and has been handled under the Freedom of Information Act 2000 (FOIA).

I can confirm that we hold the information you have requested.

We can disclose the answers to your following questions:

b) No papers have been requested or submitted by the Law Commission to central government departments or government ministers, as part of the Coalition Government's Public Bodies Review since 12th May 2010.

d) No papers have been requested or submitted by the Law Commission to central government departments or government ministers to accommodate changes to our organisation's structure following this year's Public Bodies Review.

As the Spending Review has now been published, we take the view that much of the information you seek in questions a), c), and e) is available by other means. It is therefore exempt from disclosure under section 21 of the Freedom of Information Act 2000. Insofar as the information you seek in these questions is not available by other means, this information is exempt from disclosure under section 36(2) because in my reasonable opinion, as the qualified person for the purposes of section 36, disclosure of the information would or would be likely to inhibit the free and frank provision of advice (section 36(2)(b)(i)) or the free and frank exchange of views for the purposes of deliberation (section 36(2)(b)(ii)) or would, or would be likely otherwise to prejudice the effective conduct of public affairs (section 36(2)(c)).

Section 36 is a qualified exemption and I have considered the following public interest test:

In favour of disclosing:

The substance of the information may be considered by the public to be of importance and public debate could be informed by its disclosure.

In favour of withholding:

The Law Commission has not concluded its correspondence with the Ministry of Justice on the Spending Review allocation. There is a strong public interest that the Law Commission and the Ministry of Justice are able to discuss possible scenarios in private. In my view, in this instance the public interest in withholding the information outweighs the public interest in disclosing the information.

As part of our obligations under the FOIA, the Law Commission has an independent review process. If you are dissatisfied with this decision, you may write to request an internal review. The internal review will be carried out by someone who did not make the original decision, and they will re-assess how the Law Commission handled the original request.

If you wish to request an internal review, please write or send me an email within two months of the date of this letter.

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office under Section 50 of the FOIA. You can contact the Information Commissioner's Office at the following address:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Internet: https://www.ico.gov.uk/Global/contact_us.aspx

Topic	18. Reform of Family Law - Care Proceedings are being abused
Date of Response	7 February 2011
Details	<p>1. Please provide all recorded data you hold that justifies the permanent removal of children from families where ALL the following apply: a) No criminal conviction for abuse or neglect of children despite abuse/neglect being a crime (due to lack of evidence), b) No full assessment at a Residential Family Assessment Centre despite this being declared an ECHR Art 6 right in Case Law, c) No resolution to the parents complaints made immediately before Care proceedings were issued due to the matter being in the Court Arena, d) No access to Local Government Ombudsman due to C above, e) No access to a Jury or any other accountability in the Family courts, f) No assistance or support ever received from Social Services in relation to their Duty under S17 of the Children Act, g) No plan for rehabilitation despite this being recommended by the Experts, h) No access to their children to find out what their children are really saying so they have to accept what CAFCASS is saying is true even though it does not make any logical sense and contradicts previous evidence in the case, i) No mental illnesses/disabilities, j) No record of any criminal behaviour, k) No evidence of any significant harm to the children, l) Refusal of investigation from GSCC and rejected CAFCASS Complaints, m) Refusal of all applications for permission to appeal, n) No right to speak publicly due to Media Injunctions and the threat of imprisonment for contempt, o) Refusal of assistance from their MP other than to sign PHSO referral, p) Refusal of investigation by Parliamentary Ombudsman. 2. What Safeguards are in place so that families described in 1. above do not become victims of abuse of Care Proceedings resulting in families having their children permanently removed? 3. How many complaints have been addressed to the law commission regarding abuse of care proceedings? 4. In relation to 3 above did you investigate any of the complaints? 5. In relation to 4 above, If you did not investigate, what was your reason for refusing to investigate the complaint? 6. In relation to 4 above, if you did investigate, which agency did you find at fault and what laws/guidelines/codes were breached? 7. When do you propose to reform family law so that it is about child protection of children who are being harmed, rather than children who are 'adoptable'?</p>

Answer

As you will know from our replies to previous requests for information you have made to us, the Law Commission is a statutory body whose function is to keep the law under review and recommend reform where it is needed. We undertake projects on defined topics. We are not able to answer questions on general points of law unrelated to our work.

In answer to your questions:

1. We do not hold any recorded data about the removal of children from families. This is not the subject of any current Law Commission project. Nor is it part of our statutory function to investigate complaints about the removal of children from families.
2. For the same reason, we do not hold any information about the safeguards that are in place in care proceedings.
3. For the same reason, any complaint regarding abuse of care proceedings that was addressed to the Law Commission would have been mis-directed.
4. For the same reason, we have not investigated any complaints regarding abuse of care proceedings.
5. As stated above, we have not investigated any complaints regarding abuse of care proceedings because that is not our statutory function.
6. As stated above, we have not investigated any complaints regarding abuse of care proceedings.
7. We do not have any current plans to undertake a project in the area of child protection law.

I am sorry that I cannot be of further assistance.

Topic	19. Retraction of Consent
Date of Response	8 March 2011
Details	I am writing to you in relation to Statute law, including all by-laws and regulations and information taken from the blacks law dictionary. It is my understanding that statute law is defined as; "a legislated rule of society, given the weight of law, by consent". 1) What is the society called that the rules are legislated for? 2) How do I retract my consent? 3) When did i Sign up to the mentioned society, who's rules and regulations are assumed to apply to me?

Answer

Statute law in this country is the body of laws laid down by Parliament. The Law Commission's functions in relation to statute law are to improve that body of laws (sometimes known as "the statute book") by consolidating different statutes on the same subject and by repealing unnecessary statutes.

There is no procedure for withdrawing consent to being subject to statute law.

Topic	20. Branding
Date of Response	23 March 2011
Details	These questions pertain to your logo. 1) When was your current logo, corporate style, graphics and branding implemented? 2) Who designed it? 3) How much were the designers paid for their services? 4) Were other designers consulted? Was there competition? If so, who was involved, and was any payment made to unsuccessful firms? 5) Are there any "alternate" versions of the branding (as in, any which were designed but not taken up), and if so, please supply an electronic copy, 6) Please provide me with a copy of your logo guidelines, branding manual or equivalent document, in an electronic format which is not merely a paper copy scanned in.

Answer

Our Communications Team has asked me to provide you with the following answers to your questions:

- 1) April to June 2005.
- 2) Ministry of Justice information designers (it was called DCA in those days of course).
- 3) The costs were absorbed in Departmental running costs, salaries and the like.
- 4) No.
- 5) Not as far as we are aware.
- 6) See guidelines (attached).

[Attachment available upon request]

Topic	21. Award ceremonies
Date of Response	31 March 2011
Details	Please could you supply details, including the date, location and cost, of any awards ceremonies wholly or partly funded by the Ministry of Justice, its agencies and NDPBs, etc, in the last year, including, for example the Probation Awards, the Prison Officer of the Year Awards, and local Criminal Justice Board awards. Please provide the information for the period of 1 April 2010 to 31 March 2011.

Answer

The Law Commission has not staged any awards ceremonies in the past year.